

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

MIKE RUPLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV-07-KOB-1298-M
	)	
HARTFORD LIFE AND ACCIDENT	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	

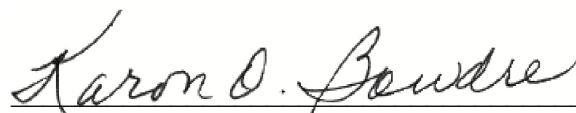
**Memorandum Opinion**

The case now comes before the court on the cross-motions for summary judgment filed by both parties. (Ct. docs. 14 and 16). A report and recommendation was filed on February 4, 2009, recommending that the plaintiff's motion for summary judgment be denied, that the defendant's motion for summary judgment be granted, and that this case be dismissed. The plaintiff has filed objections to the report and asserts a number of errors. On February 19, 2009, the magistrate addressed some of those objections and reassigned the case to the undersigned.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the objections, and the magistrate's response to the those objections, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, the defendant's motion for summary judgment is due to be GRANTED and this action is due to be

DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this the 24<sup>th</sup> day of February, 2009.

A handwritten signature in cursive script, reading "Karon O. Bowdre". The signature is written in black ink and is positioned above a horizontal line.

KARON OWEN BOWDRE  
UNITED STATES DISTRICT JUDGE